



NEWS from U.S. Senator Bob Dole

(R.—Kans.)

New Senate Office Building, Washington, D.C. 20510 (202) 224-6521

STATEMENT OF SENATOR BOB DOLE

NOMINATION OF GRIFFIN BELL TO BE ATTORNEY GENERAL

Tuesday, January 25, 1977

MR. DOLE. MR. PRESIDENT, Judge Bell's nomination to be Attorney General of the United States troubles me for a number of reasons.

DISMISSING CLARENCE KELLY

First, his testimony before the Judiciary Committee indicates that he plans to dismiss FBI Director Clarence Kelly. I believe this forceful resignation, if it comes about, would serve only to politicize the FBI directorship. Clarence Kelly has done an outstanding job in directing the FBI in a dignified, fair and non-partisan manner. He came to the nation's top law enforcement agency at a time when Bureau moral was at its lowest level. In the early 1970's, attempts by the White House to exert political pressure on the FBI and its then-Director, L. Patrick Gray, brought home to us all the need to insulate this sensitive agency from political pressures.

NEED FOR DEPOLITICIZING THE FBI

As a result, we passed Section 203 of the Crime Control Act of 1976, prescribing a fixed ten-year term for the Director of the Federal Bureau of Investigation. The concept of a single ten-year term, which I support, was designed to shield the FBI Director against undue political pressure from the Executive Branch and, at the same time, to minimize the chances that the Director himself would become too powerful.

Because of this statute, some doubt exists as to the legality of removing Mr. Kelly before his term expires. In response to a question from Senator Kennedy on January 12, Judge Bell admitted that this could pose a problem. He said:

With regard to the Director, as you know, he is serving under a ten-year term and can be removed for cause. The legislative history is not too clear on what "cause" is.

Nevertheless, Judge Bell hinted strongly that he will force Director Kelly to resign prior to the termination of his term. During the same exchange with Senator Kennedy, Judge Bell stated:

(Director Kelly) wants to assist in the transition which will have to come because of his age and the retirements in the management of the FBI.

I do not know whether we will come to the point where Director Kelly would do anything more than at some appropriate time ask that he be permitted to assist in the transition period.

So, I think we will look forward to having a new Director of the FBI before too long. That is the way I see it now. That is after having met with him and having talked with him.

SPIRIT OF 1976 CRIME CONTROL ACT CONTRAVENED

In my view, Judge Bell's announced intention to oust Director Kelly without cause would contravene the spirit of the 1976 Crime Control Act and would be a gigantic step backward in establishing a truly independent Federal Bureau of Investigation.

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BELL CLOSE POLITICAL CONNECTION WITH PRESIDENT

A second aspect of this nomination is also troubling. That is Judge Bell's close political association with the President. I am in no way implying that the political connection between Judge Bell and President Carter has been in any way improper. But if we have learned anything from the Watergate scandals, I think it is that the Department of Justice should be totally non-political, a view voiced often by President Carter himself during the 1976 campaign.

THE PRESIDENT'S STANDARD

The President set a high standard for the next Attorney General. On August 12, 1976, then-Governor Carter said:

As much as humanly possible, the Attorney General should be removed from politics, and should enjoy the same independence and authority and should deserve as much confidence as did the Special Prosecutor during the last few weeks of the Watergate investigation.

On many occasions, the President called for a Department of Justice shielded from political pressure and influence. In my view, Judge Bell's nomination does not quite measure up to the standards enunciated by the President.

BELL'S ACTIVE INVOLVEMENT

Judge Bell is by no means non-political. He contributed money to the President's campaign, raised funds from other sources, wrote campaign speeches, and was involved in the Vice Presidential selection process. He is, in the words of Joe Rauh of the Americans for Democratic Action, "part of Governor Carter's political group."

Judge Bell has been very candid with the Committee in explaining his political activities. In response to a question from Senator Heinz on January 11, Judge Bell outlined his political ties with the President:

Governor Carter has said that he wanted to appoint an Attorney General who was non-political. On one occasion I think he said he would appoint someone who had no major role in his campaign.

During the campaign the few things I did all had to do with the role of lawyer. I prepared the questionnaire which was used in propounding questions to the people who were being interviewed to serve as the Vice Presidential candidate.

On one occasion I wrote a legal memorandum on the difference between a pardon and amnesty. I helped prepare the speech that Governor Carter gave at the annual meeting of the American Bar Association in Atlanta. I helped prepare the speech that he gave on crime in Detroit toward the end of the campaign.

I did raise some money at one point. It was during the Pennsylvania primary which would have been in April or May. I was back in the law firm. They had a Georgia fund raising. They were trying to raise money in Georgia.

I had that role in that breakfast, and I also, myself, gave \$1000 to the campaign at that time.

Mr. President, the President should be able to select an individual in whom he has absolute trust and confidence. But, as Martin Nolan of the Boston Globe has noted, the nomination of Judge Bell smacks of "political cronyism," the very kind of appointment which President Carter himself criticized during the campaign.

DOUBLE STANDARD

In the final analysis, Judge Bell's nomination troubles me because of the double standard for confirmation of political appointments which is evident today and which permeated the scrutiny of Mr. Bell in the Judiciary Committee.

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Let me pose a few hypothetical questions. They will serve to illustrate what I mean by the emerging double standard.

I have no doubt that Mr. Bell's nomination will be supported by the majority of this body. But would this Senate be as eager to confirm this nomination if last November's election had turned out differently, if President Ford had won and nominated a man with the same background as Judge Bell to be Attorney General? Would the same Senators who are prepared to vote for confirmation today have voted the same way for a nominee of a Republican President who belonged to restrictive country clubs? Would not this body be more troubled by a Nixon or Ford nominee who upheld the right of a Southern legislature to ban from its membership a duly elected black citizen? Would the Senate confirm a Republican President's appointment of a close political associate, a man who contributed a sizeable sum to the President's campaign, a man who raised money from businessmen, a man who wrote campaign speeches, a man who the Americans for Democratic Action labeled a part of the President's "political group"?

The answer is obvious.

JUDGE BELL'S INTEGRITY

Mr. President, I have no doubt that Judge Bell is an honorable man, a man of character and high integrity. I do not doubt for a moment that he will attempt, to the best of his ability, to provide fair, even-handed leadership at the Department of Justice.

VOTE NOT TO CONFIRM

But because I am troubled by his announced intention to replace the able director of our nation's top law enforcement agency and because I resent the double standard for confirmation of Presidential appointments, I feel I must register my protest. For these reasons, I will vote against the confirmation of Judge Griffin Bell to be Attorney General of the United States.

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